

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

ALLEN MAYS

CIVIL ACTION NO. 20-0337

VS.

SECTION P

JUDGE TERRY A. DOUGHTY

LEWIS JONES, ET AL.

MAG. JUDGE KAREN L. HAYES

JUDGMENT

The Report and Recommendation [Doc. No. 10] of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiff Allen Mays's claims against Deputy Penuell are **STAYED** under the following conditions:

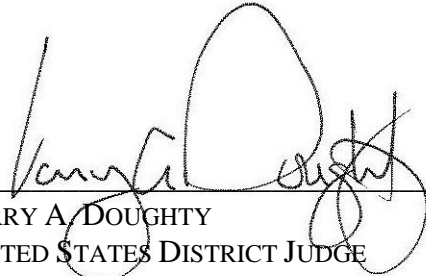
- a. If Plaintiff intends to proceed with his claims, he must, within thirty (30) days of the date the criminal proceedings against him have concluded, file a motion to lift the stay;
- b. If the stay is lifted and the Court finds Plaintiff's claims would impugn the validity of his conviction, the action will be dismissed under *Heck*; if no such finding is made, the action will proceed, absent some other bar to suit;
- c. In light of the stay, Plaintiff should not file any more documents in this action until the state court proceedings conclude; and
- d. Defendant shall not be required to answer during the stay, and Plaintiff may not seek a default judgment or conduct any discovery.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's claims against District Attorney John F. K. Belton and Assistant District Attorney Lewis Jones are **DISMISSED** as frivolous, for failing to state claims on which relief may be granted, and for seeking monetary relief from defendants immune from such relief.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's request for dismissal of his charges is **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to pursue habeas corpus relief after he exhausts all available state court remedies.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's remaining claims are **DISMISSED** as frivolous and for failing to state claims on which relief may be granted.

MONROE, LOUISIANA, this 27th day of May, 2020.



TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE